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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,528

05/21/2007

Klaus Hofmann

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6952

35236 7590 02/22/2010  
THE CULBERTSON GROUP, P.C.  
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EXAMINER

SY, MARIANO ONG

ART UNIT

PAPER NUMBER

3657

NOTIFICATION DATE

DELIVERY MODE

02/22/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rculbertson@tcg-ipl.com  
caleman@tcg-ipl.com  
rculbertson@sbcglobal.net

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,528	<b>Applicant(s)</b> HOFMANN, KLAUS	
	<b>Examiner</b> MARIANO SY	<b>Art Unit</b> 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 27 and 29 is/are rejected.
- 7) ☒ Claim(s) 23-26, 28 and 30-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/01/2006, 03/07/2007</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the line for “ medium recycling line 8’ ” is pointing to the wrong location for both Fig. 3 and Fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 28, 29, 36, and 38 are objected to because of the following informalities:

Claim 28, line 2 “the weight body” should be --a weight body--,

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Claim 29, line 4 "the components" should be --the component--,

Claim 36, lines 2-3 "the weight body" should be --a weight body--,

Claim 38, line 1 "at least one clamp element" should be --the at least one clamp element--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21, 22, 27, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Rastetter (US 3,995,534).

Rastetter disclosed, as shown in fig. 1-2, a safety device for the detachable clamping of elements that are moved relative to each other, comprising: a base body 7 adapted to be traversed or penetrated by a component 1 extending in an axial direction in that the base body and the component are two elements that are moved with respect to each other; the base body comprising at least one clamp element 11-13, which presents at least one chamber 17 into which a medium can be admitted through a medium supply 21 to produce an elastic change of the chamber dimensions (via the movement of the actuating plunger 14) in a direction radial to the axial direction, the

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medium supply comprising a valve 37, which can be actuated via an actuation element 14-16 that can be moved, relative to the base body, in the axial direction; wherein a section of the chamber, or an element coupled to the chamber, is designed to form a force transmission element 28 to transmit a clamping force on the component; and the clamp element is designed so that when medium is admitted into the chamber to produce an elastic change of its dimensions in a direction radial to the axial direction, it clamps or releases, via the force transmission element, the component in the radial direction relative to the base body.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weller (US 6,182,977) in view of Rastetter '534.

Weller disclosed, as shown in fig. 1, a safety device for the detachable clamping of elements that are moved relative to each other, comprising: a base body 12 adapted to be traversed or penetrated by a component 11 extending in an axial direction in that the base body and the component are two elements that are moved with respect to each other; the base body comprising at least one clamp element 13, which presents at least one chamber 15 into which a medium can be admitted through a medium supply

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28 to produce an elastic change of the chamber dimensions in a direction radial to the axial direction; wherein a section of the chamber, or an element coupled to the chamber, is designed to form a force transmission element 27 to transmit a clamping force on the component; and the clamp element is designed so that when medium is admitted into the chamber to produce an elastic change of its dimensions in a direction radial to the axial direction, it clamps or releases, via the force transmission element, the component in the radial direction relative to the base body.

However Weller was silent to disclose the medium supply comprising a valve.

Rastetter teaches wherein the medium supply 21 comprising a valve 37.

It would have been obvious to one of ordinary skill in the art to merely provide the device of Weller with the known valve, as taught by Rastetter, in order to be able to control the flow of medium supply used for clamping or releasing.

### ***Allowable Subject Matter***

7. Claims 23-26, 28, and 30-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spieth (US 3,626,506)

Klipping (US 3,663,027)

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Koeing, III	(US 3,869,002)
Falk et al.	(US 4,264,229)
Schwenzfeier et al.	(US 4,428,737)
Disborg	(US 5,855,446)
Bouligny	(US 6,488,323)
Muller	(US 6,629,584)
Heinzeroth	(US 7,108,108)
Komino	(JP 63-9737-A)
Peterson et al.	(DE 4430535-A1)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

January 29, 2010

/Robert A. Siconolfi/  
Supervisory Patent Examiner, Art  
Unit 3657